

### **REMARKS**

In view of the comments which follow, and pursuant to 37 C.F.R. § 1.111, reconsideration of the Official Action of March 29, 2003 is respectfully requested by Applicants.

#### **Summary**

Claims 1 – 5 stand rejected, and are pending following entry of the present remarks.

#### **Rejection under the Doctrine of Obviousness-Type Double Patenting**

The Examiner has provisionally rejected claims 1 – 5 under the judicially created Doctrine of Obviousness-Type Double Patenting as being unpatentable over claims 1 – 5 of co-pending Application No.: 10/038,002. As suggested by the Examiner, Applicants are hereby timely filing a Terminal Disclaimer in compliance with 37 CFR 1.321(c) to overcome the current provisional rejection based on a non-statutory double patenting ground of claims 1 - 5, as the Application referenced by the Examiner is commonly owned with the current Application No.: 10/027,451. Applicants therefore respectfully request that the rejections of claims 1 – 5 under the Doctrine of Obviousness-Type Double Patenting be withdrawn.

#### **Conclusion**

Applicants submit that this application is now in condition for allowance, and favorable reconsideration of this application in view of the above remarks is respectfully requested. Allowance of claims 1 – 5 at an early date is earnestly solicited. A check corresponding to the Terminal Disclaimer fee is enclosed. If, there are additional fees due, Applicants request that this paper constitutes any necessary petition and authorizes the Commissioner to charge any underpayment, or credit any overpayment, to Deposit Account No. 23-1925.

Application No.: 10/027,451  
Reply to Office Action of March 29, 2004

If the examiner finds that there are any outstanding issues which may be resolved by a telephone interview, the Examiner is invited to contact the undersigned attorney at the below listed number

Respectfully submitted,

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